IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICITON

WRIT PETITION NO.1107 OF 2007

Rukshana Eisa .. Petitioner.

Versus

Union of India & Others .. Respondents.

Mr.Mohan Bir Singh for the petitioner.

Mr.Vinod Joshi with Mr.N.R. Prajapati for respondent Nos.1 and 2.

Mr.K.S. Bapat i/by Desai & Desai Associates for respondent No.3.

CORAM : F.I. REBELLO &
J.P. DEVADHAR, JJ.

DATED : 8TH OCTOBER, 2007.

P.C. :

1. The petitioner submitted a letter of resignation on 20-3-2006 which was to come into effect on 1-4-2006. The petitioner was relieved w.e.f. 1-4-2006. The petitioners dues were settled and a cheque in the sum of Rs.7,05,092/- were paid in full and final settlement of all her claims.

2. It appears, thereafter the company introduced a scheme whereby employees, if they resigned from the company were given a package of severance. After this was paid to the other employees, petitioner by a letter dated 23-6-2006 informed the respondent No.3 in the following terms:

> "Had I known that the Base was about to shut down just two months after my resignation, I would have differed my decision. You can imagine my feeling of betrayel with a company that had recognized my worth and appreciated my performance, was denying / depriving me of a severance package that was being offered to my colleagues."

. In this letter, there was no averment that the earlier letter was taken under duress, coercion or threat nor after letter of resignation and acceptance and receiving benefits did the petitioner address any letter before 23-6-2006 that the resignation was under coercion, threat, fraud or like. It is only some time on 18-8-2006 when the petitioner for the first time contended that she was threatened and coercioned in submitting resignation letter dated 20-4-2006 which was far from voluntary.

3. The matter was taken up into conciliation and the conciliation submitted failure report. The Appropriate Government by a communication dated 13-2-2007 rejected the reference. The petitioner has come against said order.

4. Considering what has been set out above, it

is clear that until August 20,2006, the petitioner did not make any complaint that the resignation was under coercion, threat, fraud or like. The petitioner, after her resignation voluntarily accepted the monies offered to her. After that also there was no protest. The first communication was of 23-6-2006 wherein the petitioner informed respondent No.3 that she could have differed letter of resignation had she known of the package that will be given to the other employees consequent to the closure of the base.

5. In our opinion, considering these facts it is clear that the decision of the appropriate Government not to refer the matter for adjudication by way of industrial reference cannot be said to be contrary to law and contrary to Section 10 and 12 of the Industrial Disputes Act.

6. There is no merit in the writ petition and the same is dismissed.

(F.I. REBELLO, J.)

(J.P. DEVADHAR, J.)